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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,329	09/08/2003	David William Moss II		5286
	7590	05/04/2004		
David W. Moss II 3979 N. Olive Avenue Crystal River, FL 34428			EXAMINER MCKINNON, TERRELL L	
			ART UNIT	PAPER NUMBER
			3743	
DATE MAILED: 05/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/657,329		MOSS, DAVID WILLIAM	
	<b>Examiner</b>		<b>Art Unit</b>	
	Terrell L Mckinnon		3743	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 12 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Janik et al. (U.S. 6,256,193).

Janik discloses a vertical docking and positioning apparatus for cooling portable computers comprising all of the applicant's claimed and disclosed limitations (see Figs. 17 and 18).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5-11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik et al. (U.S. 6,256,193) in view of Dale (U.S. 4,073,460).

Janik's invention discloses all of the claimed limitations from above except for vinyl covers on the bottom points of contact of the stand device with a surface below the device, particularly on the front bottom edge of the planar member, and on the lowest projecting aspects of at least one retractable leg; the conductive member being substantially comprised of aluminum alloy designated as 6061-T6; and the planar member being substantially comprised of a material with a specific thermal conductivity between 50 and 300 W/m\*K.

5. However, Dale teaches the use of a supports (30 and 34) on the bottom points of contact of the stand device with a surface below the device, particularly on the front bottom edge of the planar member, and on the lowest projecting aspects of at least one leg.

Given the teachings of Dale, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cooling stand of Janik with vinyl covers on the bottom points of contact of the stand device with a surface below the device, particularly on the front bottom edge of the planar member, and on the lowest projecting aspects of at least one retractable leg; the conductive member being substantially comprised of aluminum alloy designated as 6061-T6; and the planar member being

substantially comprised of a material with a specific thermal conductivity between 50 and 300 W/m\*K.

Doing so would provide an excellent heat conducting material and means of supporting the cooling device against horizontal movement.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janik et al. (U.S. 6,256,193) in view of Dale (U.S. 4,073,460) as applied to claims above, and further in view of Kohama (JP 200-353028).

Janik's invention discloses all of the claimed limitations from above except for four voids formed in the shape of long spaced apart slots extending in a linear front-to-back direction on the heat conductive planar member being spaced apart by at least one width of one of the slots.

7. However, Kohama teaches the use of four voids (spaced apart by at least one width of one of the slots formed in the shape of long spaced apart slots extending in a linear front-to-back direction on a heat conductive planar member.

Given the teachings of Kohama, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cooling computer stand of Janik with four voids spaced apart by at least one width of one of the slots formed in the shape of long spaced apart slots extending in a linear front-to-back direction on a heat conductive planar member.

Doing so would provide enhance dissipation of heat from the planar conductive member.

***Allowable Subject Matter***

8. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention. Henneberg, Bentley, Kan-O et al., Helmsie et al, Ibrahim, Cipolla et al, Woods and Arnold et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell L Mckinnon whose telephone number is 703-305-0059. The examiner can normally be reached on Monday -Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Terrell L. McKinnon". The signature is fluid and cursive, with a large initial "T" and "M".

Terrell L McKinnon  
Primary Examiner  
Art Unit 3743  
May 3, 2004